

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS

## Fort Worth Division

**FILED**

**January 7, 2021**

KAREN MITCHELL  
CLERK, U.S. DISTRICT  
COURT bb

UNITED STATES OF AMERICA

V.

THE BOEING COMPANY,

Defendant.

4:21-CR-005-O

JOINT MOTION FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT

The United States of America and the defendant, The Boeing Company (the “Company”), by their respective attorneys, move this Honorable Court for entry of an Order continuing all further criminal proceedings, including trial, until further motion of the parties, based on the entry of the parties’ Deferred Prosecution Agreement. In support thereof, the parties state as follows:

1. The Speedy Trial Act requires that the trial of a defendant charged in an Information occur within 70 days from the later of the filing of the Information or the date on which the defendant appeared before a judicial officer in the court in which the charge is pending. *See* 18 U.S.C. § 3161(c)(1).

2. The Speedy Trial Act, 18 U.S.C. § 3161(h)(2), further provides that:

The following periods of delay shall be excluded in computing the time within which an information . . . must be filed, or in computing the time within which the trial of any such offense must commence:

. . .

(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

3. On or about January 5, 2021, the United States and the Company entered into a written Deferred Prosecution Agreement (the “Agreement”), a true, correct, and complete copy of which is attached hereto and incorporated by reference as Exhibit 1.

4. In Paragraph 1 of the Agreement, the Company agreed to waive indictment and agreed to the filing of a one-count Information in this Court charging it with Conspiracy to Defraud the United States under 18 U.S.C. § 371.

5. Pursuant to Paragraphs 1-3 and 25 of the Agreement, and in light of the Company’s willingness to: (i) admit, accept, and acknowledge responsibility for its actions as detailed in the Statement of Facts attached to the Agreement; (ii) engage in swift and extensive remediation; (iii) continue its cooperation with the United States; (iv) continue its commitment to enhance its compliance program and internal controls and to report quarterly to the Fraud Section; and (v) pay the criminal monetary penalty and compensation amounts referred to in Paragraphs 7-19 of the Agreement, the United States respectfully recommends, pursuant to 18 U.S.C. § 3161(h)(2), that

this Court exclude from the computation of time under the Speedy Trial Act a period of 3.5 years from the date on which the Information is filed.

6. The United States and the Company believe that such a delay and speedy trial exclusion will allow the Company to demonstrate its good conduct and therefore seek the approval of this Court to delay trial. *See* 18 U.S.C. § 3161(h)(2).

7. The Company joins in this motion and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, 18 U.S.C. § 3161, Federal Rule of Criminal Procedure 48(b), and any applicable Local Rules of the United States District Court for the Northern District of Texas for the period that the Agreement is in effect.

8. The United States agrees that if the Company fully complies with all its obligations under the Agreement, the United States, six months after the Agreement's expiration, will move this Court to dismiss with prejudice the Information filed against the Company.


9. For all the reasons stated above, the United States and the Company respectfully request that this Court enter an Order excluding a period of 3.5 years in computing the time within which any trial must be commenced upon the charge contained in the Information filed against the Company pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(2), in light of the written agreement between the Government and the Company deferring prosecution in this matter for the purpose of allowing the Company to demonstrate its good conduct, and continuing all further

criminal proceedings, including trial, for a period of 3.5 years from the date on which the Information is filed.

DATED: January 6, 2021

Respectfully submitted,

DANIEL S. KAHN  
Acting Chief, Fraud Section  
Criminal Division  
United States Department of Justice

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I hereby agree that I have consulted with outside counsel and fully understand all of the Company's rights with respect to a speedy trial, including the right to begin trial within 70 days of the Information or its first appearance before this Court, whichever date last occurs, as required by Title 18, United States Code, Section 3161(c). I have read this motion for an extension of the speedy trial deadline and carefully reviewed every part of it with outside counsel. I certify that I am the Chief Legal Officer and Executive Vice President, Global Compliance of the defendant, The Boeing Company, and that I have been duly authorized by the Company to agree voluntarily to this motion on behalf of the Company.

Date: 1/6/2021

By: 

Brett C. Gerry  
Chief Legal Officer and  
Executive Vice President, Global Compliance  
THE BOEING COMPANY

We are outside counsel for the defendant, The Boeing Company, in this case. We have fully explained to the defendant the defendant's right to have trial commence within 70 days of the Information or its first appearance before this Court, whichever date last occurs, as required by Title 18, United States Code, Section 3161(c). Specifically, we have reviewed the terms and conditions of Title 18, United States Code, Section 3161(c), and we have fully explained to the defendant the provisions that may apply in this case. To our knowledge, the defendant's decision to agree to an extension of time to commence trial is an informed and voluntary one.

Date: 1/6/2021

By: 

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Date: 1/6/2021

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